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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,472	07/08/2003	Keith A. McCrea	16510-017	9617

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EXAMINER
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RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/616,472

**Applicant(s)**

MCCREA, KEITH A.

**Examiner**

Robert R. Raevis

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-5-03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 5, 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 5 and 10, what parameter (dimension in some way?) do both "crown" and "traverse" imply?

As to claim 6, what dimension are the values " 0.00" to 0.0005" " representative of?

As to claim 7, what dimension are the listed values representative of?

As to claim 8, is the "a roll" (line 3 from last) the same as the "a work roll" (of line 1)? The written disclosure suggests that it is, and thus the same roll is claimed twice. Suggest changing "a roll" to - - the work roll - - .

As to claim 10, does use of the plural term "measurements" (highlighting added, line 1) mean that at least two of the listed parameters (on the last line) are displayed?

As to claim 12, "or more" (last line) that what? More than "4,000" or more than "16,000"?

Claims 5, 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As to claims 6 and 7, it is unexplained what dimension demands the called

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for specifications. As to claims 5 and 10, what parameter (dimension in some way?) do both “crown” and “traverse” imply?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 4, 6 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama, in view of White et al or Tait

Hirayama teaches a device, including: non-contact sensor 100. The sensor senses a roller surface. Hirayama teaches moving the sensor “along the axial direction” (col. 9, line 37)/ “along the central axis” (col. 9, line 52).

Hirayama does not state how the sensor is moved along the axial direction, and does not collect data.

As to claims 1,2,8, it would have been obvious to use a rail to move Hirayama’s sensor along the axial direction because either White et al teach use of motorized threaded rail to effectively drive a sensor along a roller, or Tait teaches use of a rail 20 to effectively support a sensor as it is displaced across a roller of interest. In addition, use of a means to collect data is suggested by either Tait’s recording 42 teaching for data obtained by scanning, providing for a record to be subsequently studied, or White’s mass data storage unit 62, that provides for a record to be subsequently studied. Also, no weight could be given to the preamble of claim 1, as it is a statement of use in an

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apparatus claim. As to claim 8, the roller is used to provide images, and thus serves as a work roller.

As to claims 4,9, note that the recorder 42 displays, as well as White's display 64, allowing for an operator to immediately recognize results.

As to claim 10, glossiness is a function of "irregularities", "roughness" (col. 1, lines 35-50) and "waviness".

As to claims 6, 7, the axis of the probe must follow the axis of the roll for correlation of results of sensor measurement with location of those measurements.

As to claims 11 and 12, measurements may be quickly made to provide for averaging, allowing for reduced error in measurement.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama, in view of White et al or Tait, as applied against claim 1, and further in view of Gilmore.

As to claim 5, it would have been obvious to employ multiple sensors 100 on a single carrier as Gilmore teaches (col. 4, lines 35-50) use of multiple sensors to provide for measurements of an entire body in a shorter period of time. The glossiness measurements are a function of "irregularities", "roughness" (col. 1, lines 35-50) and "waviness".

Claims 1 to 4,6-9,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popovic et al, in view of White et al or Tait

Popovic et al teach (Fig. 1) a device, including: a capacitive probe 18 mounted on a floating device 29, and data acquisition computer 22.

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Popovic does not clearly describe the assembly (col. 9, lines 54-56) that moves the probe.

As to claims 1,2,3, it would have been obvious to use a rail to move Popovic's sensor along the axial direction to provide for the "new scan line" (col. 9, line 57) because either White et al teach use of motorized threaded rail to effectively drive a sensor along a roller, or Tait teaches use of a rail 20 to effectively support a sensor as it is displaced across a roller of interest. Also, no weight could be given to the preamble of claim 1, as it is a statement of use in an apparatus claim. As to claim 8, the roll is used in imaging.

As to claims 4, 9, note that the recorder 42 displays, as well as White's display 64, allowing for an operator to immediately recognize results.

As to claims 6,7, the axis of the probe must follow the axis of the roll for correlation of results of sensor measurement with location of those measurements.

As to claims 11 and 12, measurements may be quickly made to provide for averaging, allowing for reduced error in measurement.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mayer et al teach a capacitive sensor.

Weidlich measure dimensions.

Beffy et al 's sensor is non contact, and moves along a rail.

Yamada et al measure shape.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raemis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Raemis*

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